

SENATE BILL 343

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2004 Regular Session  
4r1427  
CF 4r2393

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By: **Senators Pinsky, Astle, Britt, Dyson, Grosfeld, Hughes, Stone, and Teitelbaum**

Introduced and read first time: February 3, 2004

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities - Nursing Homes - Family Council**

3 FOR the purpose of providing for the composition of a family council for a nursing  
4 home; prohibiting a family council from being created or led by certain persons;  
5 requiring a nursing home to give certain persons certain information about a  
6 family council in the nursing home; requiring the nursing home to respond in  
7 writing to certain communications from the family council within a certain time  
8 frame; requiring a nursing home to create and to maintain certain  
9 correspondence files; providing for the contents of certain files; requiring  
10 records in regulatory files to be unedited; requiring records in public files to  
11 delete certain information; providing the times for the review of public files by  
12 certain persons; requiring a nursing home to promptly comply with a request by  
13 a licensing authority to review certain files; defining a certain term; and  
14 generally relating to a family council in nursing homes.

15 BY renumbering

16 Article - Health - General  
17 Section 19-1415  
18 to be Section 19-1416  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2003 Supplement)

21 BY adding to

22 Article - Health - General  
23 Section 19-1415  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume and 2003 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That Section(s) 19-1415 of Article - Health - General of the Annotated  
28 Code of Maryland be renumbered to be Section(s) 19-1416.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article - Health - General**

4 19-1415.

5 (A) IN THIS SECTION, "FAMILY COUNCIL" MEANS A GROUP OF INDIVIDUALS  
6 WHO WORK TOGETHER TO PROTECT THE RIGHTS OF AND IMPROVE THE QUALITY OF  
7 LIFE OF RESIDENTS OF A NURSING HOME.

8 (B) (1) A FAMILY COUNCIL FOR A NURSING HOME MAY CONSIST OF THE  
9 FOLLOWING MEMBERS:

10 (I) RESIDENTS OF A NURSING HOME;

11 (II) MEMBERS OF A RESIDENT'S FAMILY;

12 (III) FRIENDS OF A RESIDENT; OR

13 (IV) REPRESENTATIVES OF TWO OR MORE RESIDENTS.

14 (2) A FAMILY COUNCIL MAY NOT BE CREATED OR LED BY THE OWNER,  
15 OPERATOR, OR STAFF OF A NURSING HOME.

16 (C) A NURSING HOME SHALL GIVE EACH NEW OR PROSPECTIVE RESIDENT  
17 THE FOLLOWING WRITTEN INFORMATION ABOUT THE FAMILY COUNCIL:

18 (1) THE NAME, ADDRESS, AND PHONE NUMBER OF A CURRENT MEMBER  
19 OF THE FAMILY COUNCIL;

20 (2) A BRIEF DESCRIPTION OF THE PURPOSE AND FUNCTION OF THE  
21 FAMILY COUNCIL; AND

22 (3) INSTRUCTIONS ON HOW THE RESIDENT OR PROSPECTIVE RESIDENT  
23 MAY REVIEW THE PUBLIC FILES DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

24 (D) A NURSING HOME SHALL RESPOND IN WRITING TO ANY WRITTEN  
25 GRIEVANCE OR OTHER WRITTEN COMMUNICATION FROM THE FAMILY COUNCIL  
26 WITHIN 10 DAYS AFTER RECEIVING A COMMUNICATION.

27 (E) (1) A NURSING HOME SHALL CREATE AND MAINTAIN A PUBLIC  
28 CORRESPONDENCE FILE AND A REGULATORY CORRESPONDENCE FILE FOR  
29 COMMUNICATIONS WITH A FAMILY COUNCIL.

30 (2) THE CORRESPONDENCE FILES SHALL INCLUDE A COPY OF EACH  
31 WRITTEN COMMUNICATION AND RESPONSE DESCRIBED IN SUBSECTION (D) OF THIS  
32 SECTION.

33 (3) (I) THE RECORDS IN THE REGULATORY FILE SHALL BE UNEDITED.

1                   (II)     THE RECORDS IN THE PUBLIC FILE SHALL DELETE ANY  
2 INFORMATION THAT IDENTIFIES AN INDIVIDUAL RESIDENT.

3                   (4)     THE PUBLIC FILE MAY BE REVIEWED BY A RESIDENT, PROSPECTIVE  
4 RESIDENT, OR THE REPRESENTATIVE OF EITHER A RESIDENT OR PROSPECTIVE  
5 RESIDENT DURING NORMAL BUSINESS HOURS AND AT ANY OTHER TIME THE  
6 NURSING HOME AGREES TO MAKE THE PUBLIC FILE AVAILABLE.

7                   (5)     THE NURSING HOME SHALL PROMPTLY COMPLY WITH A REQUEST  
8 BY A LICENSING AUTHORITY TO REVIEW THE RECORDS IN EITHER THE PUBLIC OR  
9 REGULATORY FILES.

10     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2004.